

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

In re:

PROMESA

Title III

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO
RICO,

No. 17 BK 3283-LTS

As representative of

(Jointly Administered)

THE COMMONWEALTH OF PUERTO
RICO, THE EMPLOYEE'S RETIREMENT
SYSTEM OF THE GOVERNMENT OF THE
COMMONWEALTH OF PUERTO RICO,
AND THE PUERTO RICO PUBLIC
BUILDINGS AUTHORITY,

Debtors.

PRELIMINARY WITNESS DISCLOSURE

TO THE HONORABLE COURT:

COMES NOW creditor Suiza Dairy Corp. ("Suiza"), through the undersigned counsel and, very respectfully state, alleges and pray:

1. Suiza informed that it intends to object to the confirmation of the Plan of Adjustment and participate in the discovery process.
2. The Order Establishing Procedures and Deadlines Concerning Objections to Confirmation and Discovery in Connection Therewith, requires that parties intending to present witnesses should disclose the same on or before September 6, 2021.
3. Suiza intends to object to the Disclosure Statement on two main issues:

- a. A mathematical error in the Suiza Claim as listed in the proposed Plan of Adjustment. Suiza's claim is actually \$45,325,151.22 while it is listed in the Plan of Adjustment at \$44,832,199.28. The mistake stems from a payment to the Dairy producers which was not distributed in an incorrect proportion between Vaqueria Tres Monjitas and Suiza as required by the Judgment obtained in Federal District Court.
 - b. The non-dischargeable nature of Suiza's claim and the fact this makes the Plan unconfirmable.
4. Suiza hereby informs the following witnesses:

a. Fact Witness:

i. **Janice Ramirez Velez**

Miss Ramirez will testify as to the incorrect distribution received and the correct amounts of Suizas Claim. Miss ramirez will also testify as to the nature of Suiza's claim.

b. Expert Witness

i. **Loenardo Giacchino**

Dr. Giacchino will testify as to the incorrect distribution received and the correct amounts of Suizas Claim. For brevity's sake, Dr. Giacchino may also substitute Miss Ramirez as a witness regarding the actual distributions performed if allowed to do so.

* Subject to discovery and disclosures from the opposing parties, Suiza reserves the right to announce further expert testimony from Dr. Giacchino on the financial viability of the Plan of Adjustment.

5. Suiza reserves the right to announce additional witnesses or to change the witness pending disclosures and discovery.

WHEREFORE, it is requested from this Honorable Court to take note of the above; and consider Suiza to have complied with the Order Establishing Procedures and Deadlines Concerning Objections to Confirmation and Discovery in Connection Therewith.

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all parties in the case.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, on September 2nd, 2021.

By: */s/ Rafael A. González Valiente*
USDC NO. 225209

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